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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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	: CASE NO.: 22-19036-MBK
IN RE:	:
	: CHAPTER: 13
Anthony Charles Peterson	:
Tracey Lynn Peterson	: HON. JUDGE.:
	: Michael B. Kaplan
Debtors	:
	: HEARING DATE: March 8,
	: 2023 at 9:00 AM
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MOTION FOR RELIEF FROM THE
AUTOMATIC STAY REGARDING REAL PROPERTY

SN Servicing Corporation as servicer for U.S. Bank Trust National Association, as Trustee of Dwelling Series IV Trust, (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. 362(d), for relief from the automatic stay with respect to certain real property of the Debtor having an address of 9 Glen Court, Barnegat, NJ 08005 , (the “Property”), for all purposes allowed by law, the Note (defined below), the Mortgage (defined below), and applicable law. In support of this Motion, Movant respectfully states:

FACTUAL HISTORY

1. A Petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtors on November 14, 2022.

2. The Debtors have executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$356,250.00 (the “Note”). A copy of the Note is attached hereto as **Exhibit A**.

3. Pursuant to the certain Mortgage (the “Mortgage”), executed by Debtors, all obligations (collectively, the “Obligations”) of the Debtors under and with respect to the Note and Mortgage are secured by the Property. A copy of the Mortgage is attached hereto as **Exhibit B**.

4. All rights and remedies under the Mortgage have been assigned to the Movant pursuant to that certain Assignments of Mortgage, copies of which are attached hereto as **Exhibit C**.

5. Debtors entered into a loan modification effective August 1, 2018 with Mortgage servicer Ocwen Loan Servicing, LLC that created a new principal balance of \$436,012.26, a copy of which is attached hereto as **Exhibit D**.

LEGAL ARGUMENT

6. Pursuant to 11 U.S.C. §362 (d)(1), the court shall enter an order granting a secured creditor relief from the automatic stay for cause “including the lack of adequate protection of an interest in property of such party and interest.”

7. Specifically, courts have found cause for the granting of relief from an automatic stay where the debtor has failed to make post-petition mortgage payments as they become due. In Re Michael Lancelot Taylor, 151 B.R. 646,648 (Bankr. E.D.N.Y. 1993).

8. As is shown in attached **Exhibit E**, Certification RE Post-Petition Payment History the Debtor is post-petition default for a total of **\$4,913.26** including post-petition payment arrears in the amount of \$3,675.26, attorney’s fees and costs for the Motion in the amount of \$1,238.00.

9. Oral argument is waived.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay for all purposes allowed by law, the Note, the Mortgage and applicable law, including but not limited to allowing Movant and any successor or assigns to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
2. That the Order be binding and effective despite any conversion of this bankruptcy case to another case under any other chapter of Title 11 of the United States Code.
3. For such other relief as the Court deems proper.

Dated: Garden City, NY
02/14/2023

By: /s/ Jason Schwartz, Esq.
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